

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants note that the Examiner indicates that the original patent, or a statement as to loss or inaccessibility of the original patent, must be provided before the present reissue application can be allowed. Applicants note that under 37 C.F.R. §1.178(a), as published in the Federal Register (Vol. 69, No. 182, September 21, 2004), the application for reissue of a patent shall constitute an offer to surrender that patent, and the surrender shall take effect upon reissue of the patent. Comment 107 associated with this Rule indicates that physical “surrender” is not required. Further, the comments indicate that the amended Rule applies retroactively to all pending applications. Thus, Applicants submit that the requirement to surrender the original patent, or to provide a statement as to its loss or inaccessibility, is no longer required. Accordingly, Applicants respectfully request that the Examiner vacate/withdraw the requirement, or otherwise indicate that return of the original letters patent is now unnecessary.

Paragraph 4 of the Detailed Action indicates that claims 1-9 of the present application stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of co-pending reissue Application No. 10/727,329. Applicants respectfully traverse this

ground of rejection, submitting that the claims of the present application are patentably distinct from claims 1-14 of Application No. 10/727,329. According to the claims of the present application, a temperature difference estimation value is determined based upon a reference value corresponding to the temperature of the outer peripheral portion and the temperature estimation value. Applicants submit that this feature is patentably distinct from the claims of Application No. 10/727,329.

Further, Applicants note that a feature of claims 1-14 of co-pending Application No. 10/727,329 (as discussed at, for example, page 56 of Applicants' specification) is that a periodical region adjacent to the outer peripheral portion is extracted from among a plurality of regions so that a luminance level of the peripheral region is lowered as the temperature difference estimation value increases. Applicants submit that such a feature is not included in claims 1-9 of the present application.

In view of the above, Applicants submit that the ground for this double patenting rejection no longer exists, and respectfully request withdrawal of this ground of rejection.


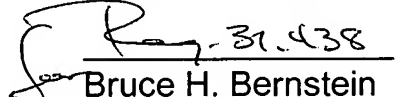
The claims of the present application also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of co-pending reissue Application No.

10/727,326 and claims 1-10 of co-pending Application No. 10/727,330. By the current amendment, Applicants submit a Terminal Disclaimer to overcome these rejections. Accordingly, Applicants submit that the grounds for these provisional rejections no longer exist, and respectfully request that they be withdrawn.

In view of the present amendment, Applicants submit that all issues raised by the Examiner have been addressed and over-come. Accordingly, Applicants believe that the present application is in condition for allowance, and respectfully request such an indication from the Examiner.

Should there be any question, the Examiner is requested to contact the undersigned.

Respectfully submitted,
Mitsuhiro KASAHARA et al.



Bruce H. Bernstein
Reg. No. 29,027

December 7, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191